



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Slater

Serial No.: 09/441,683

Group No.: 2877

Filed: Nov. 16, 1999

Examiner: Zandra Smith

For: OPTICAL PROBE WITH SAMPLING WINDOW CLEANING CONFIGURATION

**RESPONSE TO OFFICE ACTION**

Mail Stop NON FEE RESPONSE

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed January 13, 2004, the Examiner's attention is directed to the following remarks.

This application was filed in 1999, claiming priority to a provisional application filed in 1998. In other words, this application has been pending for nearly six years. Somewhere along the way, Applicant was forced to file an appeal, and in lieu of filing an answer, the Examiner found "new grounds" of rejection. Applicant now argues that these new references fail to establish anticipation or obviousness, and respectfully requests that this case finally be allowed.

Claims 8, 11 and 13 stand rejected under 35 U.S.C. §103(a) over Lemelson ('646). Among other flaws with the Examiner's argument, the Examiner states that column 8, lines 55-60 of Lemelson somehow teach or suggest the use of Raman wavelengths. However, Applicant has reviewed this passage, and cannot any support for the Examiner's argument. Moreover, the Lemelson patent and this portion of the patent in particular have to do with scanning, and other mechanisms unrelated to the instant invention. Claims 10 and 12 stand rejected under 35 U.S.C. §103(a) over Lemelson in view of Alfano et al. ('410). The arguments with respect to this rejection have already been made of record in conjunction with the previous rejection over Kuramoto et al. in view of Alfano et al. Those arguments will not be repeated here.

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Respectfully submitted,

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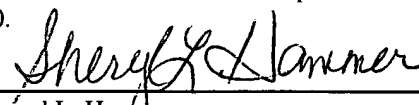
Date: April 13, 2004

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**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date indicated below and is addressed to: Mail Stop Non Fee Response, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: April 13, 2004

  
Sheryl L. Hammer